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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,704	04/16/2001	Michael McClary	4906.P074	5748

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EXAMINER

LY, ANH VU H

ART UNIT	PAPER NUMBER
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2416

MAIL DATE	DELIVERY MODE
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02/10/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/835,704	Applicant(s) MCCLARY ET AL.	
	Examiner ANH-VU H. LY	Art Unit 2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-34 and 47-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-29, 31-33, 50-52, 54, 55 and 57 is/are allowed.
- 6) ☒ Claim(s) 47-49 and 58-60 is/are rejected.
- 7) ☒ Claim(s) 23-26, 30, 34, 53 and 56 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>September 19, 2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This communication is in response to Applicant's amendment filed April 11, 2006.
Claims 23-34 and 47-60 are pending.

Claim Objections

2. Claims 23-26, 30, 34, 53 and 56 are objected to because of the following informalities:

With respect to claim 23, in lines 7 and 8, replace "deframe from a second format" with --
deframe the data signal from a second format--.

With respect to claim 25, in lines 1-2, replace "wherein to synchronize the data signal
comprises adding a set of stuffing bits to the data signal" with --wherein the receiving unit to
synchronize the data signal comprises adding a set of stuffing bits to the data signal--.

With respect to claim 30, in lines 1-2, replace "wherein to synchronize the first and
second signal comprises adding a set of stuffing bits to the first and second signal" with --
wherein the first and second receiving unit to synchronize the first and second signal comprises
adding a set of stuffing bits to the first and second signal--.

With respect to claim 34, in lines 1-2, replace "wherein the synchronize the first and
second signal comprises adding a set of stuffing bits to the first and second signal" with --
wherein the first and second receiving unit to synchronize the first and second signal comprises
adding a set of stuffing bits to the first and second signal--.

With respect to claim 53, in line 4, replace "the domain clock" with --the clock signal--.
Herein, the rates of the signals are compared against and not the domain clock.

With respect to claim 56, in lines 1-2, replace "wherein to synchronize the first and second signal comprises adding a set of stuffing bits to the first and second signal" with -- wherein the first and second receiving unit to synchronize the first and second signal comprises adding a set of stuffing bits to the first and second signal--.

Claim 24 and 26 are objected for the reasons as set forth in objected independent claim 23.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 47-49 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

With respect to claim 47, "A machine-readable medium" recited in line 1 is directed to a non-statutory subject matter. According to paragraph 107 on page 46, "Such computers store and communicate ... using machine-readable media ... acoustical or other form of propagated signals (e.g., carrier waves, infrared signals, digital signals, etc.)" Herein, the machine-readable medium is a signal. A signal claim does not fall within any statutory category. Therefore, it is a non-statutory subject matter.

Claims 48 and 49 are rejected for the same reasons as set forth in rejected independent claim 47.

4. Claims 47-49 and 58-60 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing (Reference the May 15, 2008 memorandum issued by Deputy Commissioner for Patent Examining Policy, John J. Love, titled "Clarification of 'Processes' under 35 U.S.C. 101"). The instant claims neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process.

Allowable Subject Matter

5. Claims 23-26 contain the allowable subject matter but objected to for minor informalities. Claims 27-29, 31-33, 50-52, 54-55, and 57 are allowed.

Response to Arguments

6. Applicant's arguments with respect to claims 23-34 and 47-60 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANH-VU H. LY whose telephone number is (571)272-3175. The examiner can normally be reached on Monday-Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anh-Vu H Ly/

Primary Examiner, Art Unit 2416